

108TH CONGRESS  
2D SESSION

# H. R. 4705

To provide crop and livestock disaster assistance.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. POMEROY introduced the following bill; which was referred to the  
Committee on Agriculture

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## A BILL

To provide crop and livestock disaster assistance.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Agricultural Assistance  
5       Act of 2004”.

6       **SEC. 2. DEFINITION OF SECRETARY.**

7       In this Act, the term “Secretary” means the Sec-  
8       retary of Agriculture.

9       **SEC. 3. CROP DISASTER ASSISTANCE.**

10       (a) DEFINITIONS.—In this section:

11               (1) ADDITIONAL COVERAGE.—The term “addi-  
12       tional coverage” has the meaning given the term in

1 section 502(b) of the Federal Crop Insurance Act (7  
2 U.S.C. 1502(b)).

3 (2) INSURABLE COMMODITY.—

4 (A) IN GENERAL.—The term “insurable  
5 commodity” means an agricultural commodity  
6 for which the producers on a farm are eligible  
7 to obtain a policy or plan of insurance under  
8 the Federal Crop Insurance Act (7 U.S.C. 1501  
9 et seq.).

10 (B) EXCLUSION.—The term “insurable  
11 commodity” does not include livestock.

12 (3) NONINSURABLE COMMODITY.—The term  
13 “noninsurable commodity” means an eligible crop  
14 for which the producers on a farm are eligible to ob-  
15 tain assistance under section 196 of the Federal Ag-  
16 riculture Improvement and Reform Act of 1996 (7  
17 U.S.C. 7333).

18 (b) ASSISTANCE AVAILABLE.—The Secretary shall  
19 use such sums as are necessary of funds of the Commodity  
20 Credit Corporation to make emergency financial assist-  
21 ance available to producers on a farm that have incurred  
22 qualifying losses for the 2004 crop of an agricultural com-  
23 modity due to damaging weather or related condition, as  
24 determined by the Secretary.

25 (c) ADMINISTRATION.—

1           (1) USE OF FORMER ADMINISTRATIVE AUTHOR-  
2           ITY.—Except as provided in paragraph (2), the Sec-  
3           retary shall make assistance available under this sec-  
4           tion in the same manner as provided under section  
5           815 of the Agriculture, Rural Development, Food  
6           and Drug Administration, and Related Agencies Ap-  
7           propriations Act, 2001 (as enacted into law by Pub-  
8           lic Law 106–387; 114 Stat. 1549A–55), including  
9           using the same loss thresholds for quantity and  
10          quality losses as were used in administering that  
11          section.

12          (2) PAYMENT RATE.—The payment rate for a  
13          crop for assistance provided under this section to the  
14          producers on a farm shall be calculated as follows:

15                (A) If the producers obtained a policy or  
16                plan of insurance, including a catastrophic risk  
17                protection plan, for the crop under the Federal  
18                Crop Insurance Act (7 U.S.C. 1501 et seq.), 50  
19                percent of the applicable price for the crop.

20                (B) If a policy or plan of insurance, includ-  
21                ing a catastrophic risk protection plan, for the  
22                crop was not available to the producers under  
23                the Federal Crop Insurance Act (7 U.S.C. 1501  
24                et seq.), 50 percent of the applicable price for  
25                the crop.

1           (C) Subject to subsections (d) and (e), if  
2           the producers did not obtain a policy or plan of  
3           insurance, including a catastrophic risk protec-  
4           tion plan, available for the crop under the Fed-  
5           eral Crop Insurance Act (7 U.S.C. 1501 et  
6           seq.), 40 percent of the applicable price for the  
7           crop.

8           (d) INELIGIBILITY FOR ASSISTANCE.—Except as pro-  
9           vided in subsection (e), the producers on a farm shall not  
10          be eligible for assistance under this section with respect  
11          to losses to an insurable commodity or noninsurable com-  
12          modity if the producers on the farm—

13           (1) in the case of an insurable commodity, did  
14          not obtain a policy or plan of insurance for the in-  
15          surable commodity under the Federal Crop Insur-  
16          ance Act (7 U.S.C. 1501 et seq.) for the crop incur-  
17          ring the losses; and

18           (2) in the case of a noninsurable commodity,  
19          did not file the required paperwork, and pay the ad-  
20          ministrative fee by the applicable State filing dead-  
21          line, for the noninsurable commodity under section  
22          196 of the Federal Agriculture Improvement and  
23          Reform Act of 1996 (7 U.S.C. 7333) for the crop  
24          incurring the losses.

1 (e) CONTRACT WAIVER.—The Secretary may waive  
 2 subsection (d) with respect to the producers on a farm  
 3 if the producers enter into a contract with the Secretary  
 4 under which the producers agree—

5 (1) in the case of an insurable commodity, to  
 6 obtain a policy or plan of insurance under the Fed-  
 7 eral Crop Insurance Act (7 U.S.C. 1501 et seq.)  
 8 providing additional coverage for the insurable com-  
 9 modity for each of the next 2 crops; and

10 (2) in the case of a noninsurable commodity, to  
 11 file the required paperwork, and pay the administra-  
 12 tive fee by the applicable State filing deadline, for  
 13 the noninsurable commodity for each of the next 2  
 14 crops under section 196 of the Federal Agriculture  
 15 Improvement and Reform Act of 1996 (7 U.S.C.  
 16 7333).

17 (f) EFFECT OF VIOLATION.—In the event of the vio-  
 18 lation of a contract under subsection (e) by a producer,  
 19 the producer shall reimburse the Secretary for the full  
 20 amount of the assistance provided to the producer under  
 21 this section.

#### 22 **SEC. 4. LIVESTOCK ASSISTANCE.**

23 (a) DEFINITIONS.—In this section:

24 (1) DISASTER COUNTY.—The term “disaster  
 25 county” means a county included in the geographic

1 area covered by a qualifying natural disaster dec-  
2 laration for calendar year 2004.

3 (2) QUALIFYING NATURAL DISASTER DECLARA-  
4 TION.—The term “qualifying natural disaster dec-  
5 laration” means—

6 (A) a natural disaster declared by the Sec-  
7 retary under section 321(a) of the Consolidated  
8 Farm and Rural Development Act (7 U.S.C.  
9 1961(a)); or

10 (B) a major disaster or emergency des-  
11 ignated by the President under the Robert T.  
12 Stafford Disaster Relief and Emergency Assist-  
13 ance Act (42 U.S.C. 5121 et seq.).

14 (b) LIVESTOCK ASSISTANCE PROGRAM.—

15 (1) ASSISTANCE AVAILABLE.—

16 (A) IN GENERAL.—Subject to subsection  
17 (c), the Secretary shall use such sums as are  
18 necessary of funds of the Commodity Credit  
19 Corporation to establish a program under which  
20 payments are made to livestock producers for  
21 losses in a disaster county.

22 (B) CRITERIA.—To carry out the program,  
23 the Secretary shall use the criteria established  
24 to carry out the 1999 Livestock Assistance Pro-  
25 gram, except that, in lieu of the gross revenue

1 criteria used for the 1999 Livestock Assistance  
2 Program, the Secretary shall use the adjusted  
3 gross income limitation contained in section  
4 1001D of the Food Security Act of 1985 (7  
5 U.S.C. 1308–3a).

6 (c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PRO-  
7 GRAMS.—The amount of assistance that the producers  
8 would otherwise receive for a loss under the livestock as-  
9 sistance program shall be reduced by the amount of the  
10 assistance that the producers receive under any other live-  
11 stock assistance program, as determined by the Secretary.

12 **SEC. 5. FUNDING.**

13 The Secretary shall use the funds, facilities, and au-  
14 thorities of the Commodity Credit Corporation to carry  
15 out this Act, and such funds shall remain available to  
16 carry out this Act until expended.

17 **SEC. 6. REGULATIONS.**

18 (a) IN GENERAL.—The Secretary may promulgate  
19 such regulations as are necessary to implement this Act.

20 (b) PROCEDURE.—The promulgation of the regula-  
21 tions and administration of this Act shall be made without  
22 regard to—

23 (1) the notice and comment provisions of sec-  
24 tion 553 of title 5, United States Code;

1           (2) the Statement of Policy of the Secretary of  
2       Agriculture effective July 24, 1971 (36 Fed. Reg.  
3       13804), relating to notices of proposed rulemaking  
4       and public participation in rulemaking; and

5           (3) chapter 35 of title 44, United States Code  
6       (commonly known as the “Paperwork Reduction  
7       Act”).

8       (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
9       MAKING.—In carrying out this section, the Secretary shall  
10      use the authority provided under section 808 of title 5,  
11      United States Code.

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